

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

FLOCKHART et al.

Serial No.: To be assigned

Filed: Herewith

Atty. File No.: 4366-106

For: **"METHOD AND APPARATUS
FOR LOAD BALANCING WORK
ON A NETWORK OF SERVERS
BASED ON THE PROBABILITY
OF BEING SERVICED WITHIN
A SERVICE TIME GOAL"**

) Group Art Unit:

) Examiner:

) INFORMATION DISCLOSURE STATEMENT

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DATE OF DEPOSIT: September 26, 2003

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner. Copies of the cited references:

☒ Are enclosed herewith.

☐ Are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

[X] Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted: 10/427,813, filed 4/30/03

☐ Other: _____

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or <input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or <input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. </div> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <div style="margin-left: 20px;"> (1) a final action under 37 C.F.R. 1.113 or (2) a notice of allowance under 37 C.F.R. 1.311, or (3) an action that otherwise closes prosecution in the application. </div> <p>This Information Disclosure Statement is accompanied by:</p> <div style="margin-left: 20px;"> <input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. <div style="text-align: center; margin: 5px 0;">OR</div> <input type="checkbox"/> A check in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. </div>
<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <div style="margin-left: 20px;"> <input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e) <div style="text-align: center; margin: 5px 0;">AND</div> <input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Enclosed is the fee in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification. </div>

Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

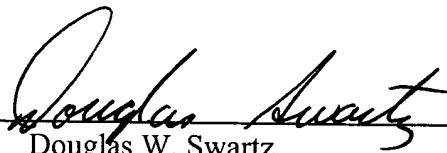
OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS P.C.

By:



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Denver, Colorado 80202-5141
(303) 863-9700

Date:

Sept 26, 2003

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 4366-106	SERIAL NO. Not Yet Assigned
	APPLICANT FLOCKHART et al.	
	FILING DATE Herewith	GROUP ART

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	AA	6,614,903	9/2/03	Flockhart et al.	379	265.12	
	AB	6,563,920	5/13/03	Flockhart et al.	379	265.1	
	AC	6,535,601	3/18/03	Flockhart et al.	379	266.01	
	AD	6,463,346	10/8/02	Flockhart et al.	700	102	
	AE	6,453,038	9/17/02	McFarlane et al.	379	265.05	
	AF	6,366,668	4/2/02	Borst et al.	379	266.04	
	AG	6,295,353	9/25/01	Flockhart et al.	379	265	
	AH	6,192,122	2/20/01	Flockhart et al.	379	266	
	AI	6,173,053	1/9/01	Bogart et al.	379	266	
	AJ	6,163,607	12/19/00	Bogart et al.	379	266	
	AK	6,088,441	7/11/00	Flockhart et al.	379	265	
	AL	6,064,731	5/16/00	Flockhart et al.	379	265	
	AM	6,049,547	4/11/00	Fisher et al.	370	412	
	AN	5,982,873	11/9/99	Flockhart et al.	379	266	
	AO	5,905,793	5/18/99	Flockhart et al.	379	266	
	AP	5,903,877	5/11/99	Berkowitz et al.	705	26	
	AQ	5,828,747	10/27/98	Fisher et al.	379	309	
	AR	5,825,869	10/20/98	Brooks et al.	379	265	
	AS	5,754,639	5/19/98	Flockhart et al.	379	221	

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	AT	5,740,238	4/14/98	Flockhart et al.	379	221	
	AU	5,684,872	11/4/97	Flockhart et al.	379	266	
	AV	5,506,898	4/9/96	Costantini et al.	379	266	
	AW	10/427,813		Chavez			4/30/03
	AX	Pub. No. US 2003/0177231	9/18/03	Flockhart et al.	709	225	3/12/02
	AY	Pub. No. US 2003/0152212	8/14/03	Burnk et al.	379	265.02	2/5/03
	AZ	Pub. No. US 2003/0123642	7/3/03	Alvarado et al.	379	266.01	1/3/02
	BA	Pub. No. US 2002/0181692	12/5/02	Flockhart et al.	379	265.02	6/5/01
	BB	Pub. No. US 2002/0118816	8/29/02	Flockhart et al.	379	265.12	1/9/01

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

	BC	Avaya, Inc., Business Advocate Product Summary, available at http://www.avaya.com , downloaded on 2/15/03, Avaya, Inc. 2003
	BD	Avaya, Inc., Business Advocate Options, available at http://www.avaya.com , downloaded on 2/15/03, Avaya, Inc., 2003
	BE	Avaya, Inc., CentreVu Advocate, Release 9, User Guide, December 2000
	BF	"Chapter 9: Domain Name Services" (printed 03/31/03), at http://www.pism.com/chapt09/chapt09.html , 21 pages.
	BG	"Internet Protocol Addressing" (printed 03/31/03), at http://www.samspace.org/d/ipdns.html , 9 pages.
	BH	BellSouth "Frequently Asked Questions: Domain Name Service FAQs" (printed 03/31/03, at https://registration.bellsouth.net/NASApp/DNSWebUI/FAQ.jsp , 4 pages.

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	BI	Douglas W. Stevenson, et al.; "Name Resolution in Network and Systems Management Environments" (printed 03/31/03), at http://netman.cit.buffalo.edu/Doc/Dstevenson/NR-NMSE.html , 16 pages.
	BJ	Sarah Ahmed; "A Scalable Byzantine Fault Tolerant Secure Domain Name System," Thesis submitted to Department of Electrical Engineering and Computer Science, Massachusetts Institute of Technology (Jan. 22, 2001), pp. 1-101.
	BK	Scott Coles; "A Guide for Ensuring Service Quality in IP Voice Networks," <u>Communication Without Boundaries</u> , Avaya White Paper (Jun. 2002), pp. 1-17.
	BL	"The Advantages of Load Balancing in the Multi-Call Center Enterprise," <u>Communication Without Boundaries</u> , Avaya White Paper (Feb. 2002), pp. 1-13.
	BM	Robin Foster, et al.; "Avaya™ Business Advocate and its Relationship to Multi-Site Load Balancing Applications," <u>Communication Without Boundaries</u> (Mar. 2002), pp. 1-13.
	BN	David Chavez, et al.; "Avaya MultiVantage™ Software: Adapting Proven Call Processing for the Transition to Converged IP Networks," <u>Communication Without Boundaries</u> , Avaya White Paper (Aug. 2002), pp. 1-17.
	BO	"Voice Over IP Via Virtual Private Networks: An Overview," <u>Communication Without Boundaries</u> , Avaya White Paper (Feb. 2001), pp. 1-8.
	BP	"Better Implementation of IP in Large Networks," Avaya Application Note (Apr. 19, 2002), pp. 1-14.

EXAMINER

DATE CONSIDERED

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